

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

DENNIS RICE and HAROLD MACARIOLA,
individually and on behalf of all others similarly
situated,

Consolidated Plaintiffs,

v.

DOLLAR THRIFTY AUTOMOTIVE GROUP,
INC., THOMAS P. CAPO, MARY ANN N.
KELLER, EDWARD C. LUMLEY, RICHARD
W. NEU, JOHN C. POPE, SCOTT L.
THOMPSON, HDTMS, INC., HERTZ GLOBAL
HOLDINGS, INC.,

Defendants.

Case No. 10-CV-294-CVE-FHM
BASE FILE

Consolidated with
Case No. 10-CV-311-CVE-FHM

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO FILE A
SUPPLEMENTAL EXHIBIT TO DEFENDANTS' REPLY BRIEF IN FURTHER
SUPPORT OF THEIR MOTION TO DISMISS THE AMENDED COMPLAINT**

Defendants¹ respectfully request leave of Court to supplement Defendant's Reply Brief in Further Support of Their Motion to Dismiss the Amended Complaint with the filing, as an additional Exhibit thereto, of the September 8, 2010 Order of the Delaware Court of Chancery denying the Delaware Plaintiffs' Motion for Preliminary Injunction.² In support of this Application, Defendants allege and state as follows:

1. On September 7, 2010, Defendants' filed herein Defendants' Reply Brief in Further Support of Their Motion to Dismiss the Amended Complaint with Exhibits A – M.

¹ Definitions employed in Defendants' Brief in Support of their Motion to Dismiss ("Defs. Br.") are similarly employed here.

² In re Dollar Thrifty S'holder Litig., Consol Case No. 5458-VCS (Del. Ch. July 29, 2010).

2. On September 8, 2010, the Delaware Court of Chancery issued an Order in In re Dollar Thrifty S'holder Litig., Consol Case No. 5458-VCS (Del. Ch. July 29, 2010) denying Plaintiffs' Motion for Preliminary Injunction.

3. The fact of this Order is significant in and of itself. Moreover, the September 8, 2010 Delaware Court of Chancery Order provides relevant background and legal analysis that support Defendants' Motion to Dismiss the Amended Complaint herein.

4. Plaintiffs do not object to the relief requested herein.

WHEREFORE, Defendants respectfully request leave to file, as Exhibit "N," the September 8, 2010 Delaware Court of Chancery Order denying Plaintiffs' Motion for Preliminary Injunction as a supplemental Exhibit to Defendants' Reply Brief in Further Support of Their Motion to Dismiss the Amended Complaint.

DATED: September 10, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2010, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants (names only are sufficient):

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I hereby certify that on September 10, 2010 I served the attached document by mail, on the following, who are not registered participants of the ECF System:

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s/ Gerald Hilsher
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